

ESTTA Tracking number: **ESTTA1129448**

Filing date: **04/26/2021**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Kravet Inc.		
Entity	Corporation	Citizenship	Delaware
Address	225 CENTRAL AVENUE SOUTH BETHPAGE, NY 11714 UNITED STATES		
Attorney information	JOSHUA M. DALTON, ESQ. MORGAN, LEWIS & BOCKIUS LLP ONE FEDERAL STREET BOSTON, MA 02110 UNITED STATES Primary Email: trademarks@morganlewis.com Secondary Email(s): josh.dalton@morganlewis.com, rachelle.dubow@morganlewis.com, peter.byrne@morganlewis.com 617.951.8284		
Docket Number	110290-0001		

Applicant Information

Application No.	90370023	Publication date	04/13/2021
Opposition Filing Date	04/26/2021	Opposition Period Ends	05/13/2021
Applicant	Wu Shunkang NO. 251, WU VILLAGE, WUCUNCUN HECUN TOWN, JIANGSHAN CITY ZHEJIANG PROVINCE, 324100 CHINA		

Goods/Services Affected by Opposition

Class 020. First Use: 2020/11/01 First Use In Commerce: 2020/11/01
All goods and services in the class are opposed, namely: Bathroom vanity mirrors; Bed frames; Chests for toys; Cots; Cots for babies; Display racks; Dressing tables; Folding chairs; Furniture chests; Furniture shelves; Kennels for household pets; Kennels with carriers; Paper blinds; Pet cushions; Picture frames of precious metal; Poufottomans; Rods for beds; Sofas; Stands for calculating machines; Wine racks; Wood bins


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2823170	Application Date	10/15/2002
Registration Date	03/16/2004	Foreign Priority Date	NONE
Word Mark	LEE JOFA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 1981/09/01 First Use In Commerce: 1981/09/01 Furniture Class 026. First use: First Use: 1965/09/01 First Use In Commerce: 1965/09/01 Fabric and furnishing trimmings, namely ornamental ribbons made of textiles, lace trimming, tassels, braids, cords, fringes, tie-backs		

U.S. Registration No.	2064757	Application Date	02/22/1996
Registration Date	05/27/1997	Foreign Priority Date	NONE
Word Mark	LEE JOFA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 1965/10/00 First Use In Commerce: 1965/10/00 textile fabrics for use in home furnishings, namely, draperies, wall covering, trimmings, upholstery and furniture		

U.S. Registration No.	4368590	Application Date	12/28/2012
Registration Date	07/16/2013	Foreign Priority Date	NONE
Word Mark	LEE JOFA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 027. First use: First Use: 2008/07/31 First Use In Commerce: 2008/07/31 Wallpaper; non-textile wall coverings, namely, wall coverings made of paper, grass cloth, vinyl, polymers or fabric; carpeting, rugs, broadloom carpets, area rugs, floor mats, and matting for covering existing floors		

Attachments	85812058#TMSN.png(bytes)
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	Kravit Notice of Opposition - LEOFA mark.pdf(133595 bytes) LEOFA Exhibits.pdf(138636 bytes)
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Signature	/Joshua M. Dalton/
Name	Joshua M. Dalton, Esq.
Date	04/26/2021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

KRAVET INC.,

Opposer,

v.

WU SHUNKANG,

Applicant.

In re Application Serial No. 90370023

Mark: LEAOFA

Opposition No. _____

NOTICE OF OPPOSITION

Opposer Kravet Inc. (“Opposer”), by and through its counsel, hereby files this Notice of Opposition against Wu Shunkang (“Applicant”). Opposer believes that it will be damaged by registration of the mark LEAOFA (“Applicant’s Mark”), applied for in connection with “Bathroom vanity mirrors; Bed frames; Chests for toys; Cots; Cots for babies; Display racks; Dressing tables; Folding chairs; Furniture chests; Furniture shelves; Kennels for household pets; Kennels with carriers; Paper blinds; Pet cushions; Picture frames of precious metal; Pouf ottomans; Rods for beds; Sofas; Stands for calculating machines; Wine racks; Wood bins” in class 20 (“Applicant’s Goods”) as shown in Application Serial No. 90/370,023 (the “Application”), and hereby opposes the registration of Applicant’s Mark pursuant to Section 13(a) of the Trademark Act of 1946, as amended (the “Lanham Act”), 15 U.S.C. § 1063(a).

As grounds for the opposition, Opposer alleges as follows:

Opposer's Trademark Rights

1. Opposer is a Delaware Corporation with its principal place of business at 225 Central Avenue South Bethpage, New York, 11714.

2. Opposer is a leading manufacturer and supplier of fabrics, furniture, carpet, lighting, wall coverings and trimmings. Opposer and its predecessors-in-interest have used the LEE JOFA[®] Mark in commerce in connection with furniture for nearly 40 years and even longer in connection with related products, including fabrics and textiles for use in the manufacture of home furnishings. See <https://www.gpjbaker.com/brands/lee-jofa/>.

3. In addition to Opposer's extensive common law rights in the LEE JOFA[®] Mark, Opposer owns active U.S. federal trademark registrations (collectively the "LEE JOFA[®] Registrations") for the LEE JOFA[®] Mark, including the following:

Mark	Reg. No.	Goods
LEE JOFA	2,823,170	"Furniture" in class 20 and "Fabric and furnishing trimmings, namely ornamental ribbons made of textiles, lace trimming, tassels, braids, cords, fringes, tie-backs" in class 26.
LEE JOFA	2,064,757	"Textile fabrics for use in home furnishings, namely, draperies, wall covering, trimmings, upholstery and furniture" in class 24.
LEE JOFA	4,368,590	"Wallpaper; non-textile wall coverings, namely, wall coverings made of paper, grass cloth, vinyl, polymers or fabric; carpeting, rugs, broadloom carpets, area rugs, floor mats, and matting for covering existing floors" in class 27.

Copies of the certificates of registration for these registrations are attached hereto as

Exhibit A.

4. The "LEE JOFA[®] Registrations are valid and subsisting, are in full force and effect, and constitute *prima facie* and/or conclusive evidence of Opposer's exclusive right to use the LEE JOFA[®] Mark in commerce in connection with the goods specified therein. Moreover, LEE JOFA[®] Registrations have achieved incontestable status.

5. During its longstanding, continuous use of the LEE JOFA[®] Mark, Opposer has expended considerable time, effort and money in advertising and promoting its LEE JOFA[®] Mark.

6. As a result of these efforts, and the high quality of the goods sold under the LEE JOFA[®] Mark, Opposer has developed substantial goodwill in its LEE JOFA[®] Mark.

Applicant's Application for LEAOFA

7. Upon information and belief, Applicant is a Chinese individual with a principal address in Jiangshan City, China.

8. Applicant seeks to register the LEAOFA mark in connection with Applicant's Goods.

9. Applicant filed the Application on December 9, 2020, claiming a date of first use of November 1, 2020, long after Opposer commenced use of the LEE JOFA[®] Mark in the United States.

10. The Application was published for opposition in the *Official Gazette* on April 13, 2021. As a result, the expiration of this opposition period is May 13, 2021. Thus, this Notice of Opposition has been timely filed.

FIRST CAUSE OF ACTION
Likelihood of Confusion

11. Opposer incorporates by reference and realleges as though fully set forth herein the allegations of paragraphs 1 through 10 of this Notice of Opposition.

12. Opposer's rights in and to the LEE JOFA[®] Mark are superior to those of the Applicant in Applicant's Mark.

13. Applicant's application for and use of Applicant's Mark are without the consent, authorization, or license of Opposer.

14. Applicant's Mark is confusingly similar in appearance, sound, and commercial impression to Opposer's LEE JOFA[®] Mark in particular because Applicant's Mark includes the same first two letters (L-E) and the same last three letters (O-F-A) as the LEE JOFA[®] Mark, in the same order. Moreover, the third letter of Applicant's Mark, "A," creates the same long "E" sound as the third letter of Opposer's LEE JOFA[®] Mark, "E," rendering the pronunciation of the parties' respective marks nearly identical.

15. In addition, Applicant's Goods compete or overlap with, are directly related to, and/or are complementary to the goods and services that Opposer promotes, offers and sells under its LEE JOFA[®] Mark.

16. Upon information and belief, the goods sold in connection with Opposer's LEE JOFA[®] Mark and the goods set forth in the Application are intended to be directed to some of the same or similar classes of purchasers and to be distributed through some of the same or similar channels of trade in the United States.

17. Opposer will be damaged by the registration sought by Applicant because Applicant's Mark so resembles Opposer's LEE JOFA[®] Mark as to be likely, when used on or in connection with the goods identified in the Application, to cause confusion, mistake or to deceive consumers, with consequent injury to Opposer and to the public, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

WHEREFORE, Opposer believes it will be damaged by registration of Applicant's Mark shown in Application Serial No. 90/370,023 and respectfully requests that the registration sought by Applicant be refused.

Dated: April 26, 2021

Respectfully submitted,



By: _____

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Kravet Inc.

EXHIBIT A

United States of America

United States Patent and Trademark Office

LEE JOFA

Reg. No. 2,823,170

KRAVET INC. (DELAWARE CORPORATION)
225 CENTRAL AVENUE SOUTH

Registered Mar. 16, 2004

BETHPAGE, NY 11714

Corrected Sep. 16, 2014

FOR: FURNITURE, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

Int. Cls.: 20 and 26

FIRST USE 9-1-1981; IN COMMERCE 9-1-1981.

TRADEMARK

FOR: FABRIC AND FURNISHING TRIMMINGS, NAMELY ORNAMENTAL RIBBONS MADE OF TEXTILES, LACE TRIMMING, TASSELS, BRAIDS, CORDS, FRINGES, TIE-BACKS, IN CLASS 26 (U.S. CLS. 37, 39, 40, 42 AND 50).

PRINCIPAL REGISTER

FIRST USE 9-1-1965; IN COMMERCE 9-1-1965.

OWNER OF U.S. REG. NO. 2,064,757.

"LEE JOFA" DOES NOT IDENTIFY A PARTICULAR LIVING INDIVIDUAL

SER. NO. 78-174,664, FILED 10-15-2002.



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

Int. Cl.: 24

Prior U.S. Cls.: 42 and 50

Reg. No. 2,064,757

United States Patent and Trademark Office

Registered May 27, 1997

**TRADEMARK
PRINCIPAL REGISTER**

LEE JOFA

LEE JOFA INC. (DELAWARE CORPORATION)
225 CENTRAL AVENUE SOUTH
BETHPAGE, NY 11714

FOR: TEXTILE FABRICS FOR USE IN HOME
FURNISHINGS, NAMELY, DRAPERIES, WALL
COVERING, TRIMMINGS, UPHOLSTERY AND
FURNITURE, IN CLASS 24 (U.S. CLS. 42 AND
50).

FIRST USE 10-0-1965; IN COMMERCE
10-0-1965.

"LEE JOFA" DOES NOT IDENTIFY A PAR-
TICULAR LIVING INDIVIDUAL.

SER. NO. 75-063,189, FILED 2-22-1996.

LAVERNE THOMPSON, EXAMINING ATTOR-
NEY

United States of America
United States Patent and Trademark Office

LEE JOFA

Reg. No. 4,368,590

Registered July 16, 2013

Int. Cl.: 27

TRADEMARK

PRINCIPAL REGISTER

KRAVET INC. (DELAWARE CORPORATION)
225 CENTRAL AVENUE SOUTH
BETHPAGE, NY 11714

FOR: WALLPAPER; NON-TEXTILE WALL COVERINGS, NAMELY, WALL COVERINGS MADE OF PAPER, GRASS CLOTH, VINYL, POLYMERS OR FABRIC; CARPETING, RUGS, BROADLOOM CARPETS, AREA RUGS, FLOOR MATS, AND MATTING FOR COVERING EXISTING FLOORS, IN CLASS 27 (U.S. CLS. 19, 20, 37, 42 AND 50).

FIRST USE 7-31-2008; IN COMMERCE 7-31-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,064,757, 3,684,405 AND OTHERS.

"LEE JOFA" DOES NOT IDENTIFY A PARTICULAR LIVING INDIVIDUAL.

SER. NO. 85-812,058, FILED 12-28-2012.

MELISSA VALLILLO, EXAMINING ATTORNEY



Lisa Street Lee
Acting Director of the United States Patent and Trademark Office